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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

JUSTYN HORNOR, individually,

Plaintiff,

vs.

BRANDON WEY aka BRANDON WADE,  
individually; REFLEX MEDIA, INC, a Nevada  
Corporation; ROE ENTITIES I – V, inclusive,

Defendants.

CASE NO.: 2:22-CV-01840-RFB-DJA

**FIRST AMENDED COMPLAINT  
AND JURY DEMAND**

**ARBITRATION EXEMPTION CLAIMED  
DUE TO AMOUNT IN CONTROVERSY**

Hon. Richard F. Boulware II

Plaintiff JUSTYN HORNOR, by and through his counsel of record, ANDRE M. LAGOMARSINO, ESQ. and TAYLOR N. JORGENSEN, ESQ. of LAGOMARSINO LAW, files the following *First Amended Complaint and Jury Demand*, alleging and complaining as follows:

**JURISDICTION AND VENUE**

1. This court has jurisdiction over the FMLA and ADA claims under 29 U.S.C.A. § 2617 and Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* ("Title VII"). The Court also has supplemental jurisdiction over Plaintiff's state law claims under 28 U.S.C. § 1367.

2. Pursuant to Article 6, Section 6 of the Nevada Constitution, the District Courts have original jurisdiction over all cases excluded by law from the original jurisdiction of the Justice Courts. In the instant matter, Plaintiffs allege damages in excess of \$15,000, and the Justice Court does not have original jurisdiction.

3. Personal jurisdiction and venue are appropriate in this Court since Defendants conduct their

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affairs in this district, and the unlawful conduct complained of herein occurred in this district.

4. All procedural prerequisites for filing this suit have been met. Plaintiff JUSTYN HORNOR (hereinafter “HORNOR” or “Plaintiff”) timely filed a Charge of Discrimination alleging discrimination and retaliation against Defendants with the Equal Opportunity Rights Commission (“EEOC”). The EEOC issued a Right to Sue on July 27, 2022. This Complaint and Jury Demand is being filed within ninety (90) days of Plaintiff’s receipt of that Notice of Right to Sue.

### **IDENTIFICATION OF PARTIES**

5. At all relevant times, HORNOR was, and is, a resident of Clark County, Nevada.

6. Upon information and belief, Defendant BRANDON WEY (hereinafter “WEY”) was, and is, a resident of Clark County, Nevada. WEY also uses the alia BRANDON WADE commercially.

7. At all relevant times, Defendant REFLEX MEDIA, INC. (hereinafter “REFLEX”) was, and is, a domestic corporation, organized and existing by virtue of the laws of the State of Nevada and doing business in Clark County, Nevada.

8. At all relevant times, HORNOR was an “employee,” as defined by United States and Nevada law, as related to the causes of action set forth herein.

9. At all relevant times, HORNOR was employed by and between Defendants.

10. At all relevant times, Defendants were HORNOR’S “employer,” as defined by United States and Nevada law, as related to the causes of action set forth herein.

11. At all relevant times, REFLEX was a covered entity, as defined by the United States and Nevada law, as related to the causes of action set forth herein.

12. Upon information and belief, REFLEX employed fifteen (15) or more employees during all the relevant time periods, and therefore is, and has been, an “employer” as defined by United States and Nevada law during all the relevant time periods.

### **GENERAL ALLEGATIONS**

13. Plaintiff incorporates and realleges Paragraphs 1 through 12 of this Complaint as though fully set forth herein.

14. Plaintiff began working for Defendants in or about March 2020 as the “Head of Product.”

15. Shortly after Plaintiff was hired, REFLEX’s Head of Human Resources (“HR”) went on

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maternity leave. WEY, who upon information and belief was REFLEX'S CEO until June 2022, asked administrative staff with no formal HR training to tentatively fill the HR role.

16. Within a few months of his hire, HORNOR was welcomed onto REFLEX'S Executive Committee by WEY.

17. Upon information and belief, the Executive Committee at the time HORNOR was added consisted of WEY; Ting, WEY'S sister; Mark Smith, WEY'S attorney and close friend; Ruben Buell, HORNOR'S supervisor; Meg Bruno, REFLEX'S Vice President of Marketing; and HORNOR.

18. Throughout 2020, HORNOR received positive internal reviews and was quickly promoted to "Director of Product" and then to "Vice President of Product."

19. In or about March 2021, WEY told HORNOR that he would be promoted to "Chief Product Officer" (CPO) and presented a draft for HORNOR'S review.

20. In or about the beginning of 2021, WEY began a destructive cycle of adopting various religious beliefs and forcing them onto his employees.

21. In or about the beginning of 2021, WEY pressured HORNOR, HORNOR'S wife, and several other REFLEX executives to join him on a weeklong spiritual retreat hosted by Dr. Joe Dispenza or to attend these events individually.

22. HORNOR felt compelled to go to these retreats by his fear of losing his job.

23. In or about mid-2021, WEY brought Dr. Dispenza's team to REFLEX'S office to give an office-wide presentation on "spiritual" subjects. Numerous employees at both leadership and staff levels complained about the spiritual aspects of this presentation.

24. On Dr. Dispenza's own website, he states "Our community is made up of doers, people who want to be challenged to do the uncommon, the supernatural, and the mystical."<sup>1</sup>

25. One of Dr. Dispenza's largest selling points for his teachings focuses on the testimonials of individuals who healed their illness with meditation, including several instances of cancer.<sup>2</sup>

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<sup>1</sup> <https://drjoedispenza.com/pages/about-us>

<sup>2</sup> <https://drjoedispenza.com/pages/stories-of-transformation>

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1 26. Instead of addressing the complaints, WEY made note of who spoke out and would later  
2 retaliate against them by questioning their loyalty to the company and treating them unfavorably.

3 27. WEY continued forcing Dr. Dispenza's teachings onto HORNOR and other REFLEX  
4 employees until WEY and Dr. Dispenza's team had a falling-out.

5 28. WEY then created his own set of philosophies, which shared several concepts with Dr.  
6 Dispenza's teachings, which he nicknamed the "Ego-Free Enterprise." WEY told employees that  
7 these "Ego-Free" philosophies were the core and foundation of REFLEX's culture and began  
8 forcing those philosophies onto HORNOR and REFLEX's other employees in various ways.

9 29. For example, shortly thereafter, WEY began hijacking REFLEX's weekly, hour-long "LV  
10 Touchbase" business meetings, which were intended for the distribution of information to all  
11 domestic and international staff.

12 30. Instead of keeping the meetings about REFLEX's business matters, WEY took advantage  
13 of his captive audience and began preaching about his religious "Ego-Free Enterprise"  
14 philosophies, urging his employees to integrate the philosophies into their work and personal  
15 lives.

16 31. During these meetings, WEY would discuss a variety of religious, sexually explicit, and  
17 otherwise inappropriate topics, including WEY's experiences with masturbation, some of his  
18 personal sexual exploits, sexual and romantic power dynamics, and deep personal  
19 traumas. Meetings would include meditation, dancing, preaching, and in-depth PowerPoint  
20 presentations about WEY's religious beliefs.

21 32. During and in preparation for these meetings, WEY frequently pressured HORNOR and  
22 other employees to answer intrusive questions and share their own personal, traumatic, and/or  
23 sexual experiences with the entire audience.

24 33. WEY pressured HORNOR and other employees to do this because, as part of his religion,  
25 WEY believed that individuals had to openly work through trauma in order to access their higher  
26 selves. WEY coded the concept of "higher self" with "ego-free" self.

27 34. Employees who were not "ego-free" were seen as disloyal, and WEY openly questioned  
28 their place at REFLEX.

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1 35. Additionally, WEY often invited people from outside the company to watch these  
2 meetings, which added to the employees' intense distress. Upon information and belief, WEY also  
3 recorded and distributed these meetings to outside parties.

4 36. These meetings spurred many complaints from HORNOR and other employees. However,  
5 because REFLEX lacked an adequate HR department at the time, employees had no sufficient  
6 recourse or safe place to address their grievances beyond WEY's control.

7 37. Complaints were largely directed to Mark Smith ("Mr. Smith"), REFLEX's counsel and  
8 WEY's close friend. These grievances generally made their way to WEY, who would retaliate  
9 against these employees for making confidential complaints to Mr. Smith.

10 38. On occasion, HORNOR and other employees tried to relay their concerns and complaints,  
11 as well as those of the general REFLEX workforce, directly to WEY.

12 39. WEY refused to acknowledge the seriousness of his actions or the effects his religious  
13 prerogative had on his employees. Instead, WEY added additional meetings to the company's  
14 calendar to share his teachings.

15 40. When employees asked to be excluded from these disturbing and intrusive company-wide  
16 meetings, WEY announced that attendance would be recorded, and further criticized employees  
17 for not attending.

18 41. During one of these meetings, WEY went as far as to tell HORNOR and the other  
19 REFLEX employees in attendance that the extreme emotional effects of requiring them to openly  
20 share trauma was a "blessing."

21 42. During this same meeting, then-employee Cheyne Cole repeatedly asked WEY to stop  
22 characterizing these deeply triggering experiences as blessings. When WEY continued to push his  
23 religious dogma, Mr. Cole stormed out.

24 43. On or about November 11, 2021, WEY went as far as to hold a mandatory "Ego Free  
25 Framework" workshop during a local COVID-19 outbreak. Employees who did not attend were  
26 required to watch a recording of the event. Several employees who attended in person fell sick  
27 following the workshop.

28 44. Throughout 2021, WEY continued to hold large forums wherein REFLEX employees were

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1 forced to share deep traumas in a group setting. Employees were asked highly intrusive questions  
2 about their sex lives, marriages, relationships, traumas, and other personal topics. WEY asked  
3 HORNOR specifically about his marriage and frequently suggested that HORNOR was not in a  
4 state of true love. This continued throughout HORNOR's tenure.

5 45. WEY reprimanded employees who failed to respond to his questions and publicized these  
6 failures within REFLEX either live in meetings or in company-wide emails.

7 46. Based on information and belief, WEY recorded numerous meetings and ceremonies  
8 involving inappropriate or sensitive content discussed by WEY and employees. He then distributed  
9 these recordings internally throughout REFLEX, as well as to people outside the company. He did  
10 so despite knowing of the serious privacy and safety concerns of his employees who were featured  
11 in those recordings.

12 47. On numerous occasions, WEY privately demanded that HORNOR provide written  
13 responses to personal, intrusive questions, and used HORNOR's responses to those questions to  
14 undermine HORNOR's position in REFLEX. Based on information and belief, similar incidents  
15 occurred between WEY and other employees.

16 48. WEY further pressured HORNOR to disclose information regarding the mental health  
17 treatment he had been receiving as a direct result of the anxiety and emotional distress that WEY's  
18 conduct caused.

19 49. WEY's manipulative conduct towards HORNOR, in both public and private settings, was  
20 humiliating and caused him significant emotional distress which manifested in an extremely severe  
21 flare-up of HORNOR's ulcerative colitis.

22 50. HORNOR and other employees felt pressure to concede to WEY's demand in order to be  
23 considered a part of the company culture and to keep their jobs.

24 51. The emotional distress that this conduct caused was crippling. In fact, during one of  
25 WEY's ceremonies involving trauma, an employee was brought to tears and asked WEY to stop  
26 multiple times before storming out of the ceremony, causing safety concerns amongst HORNOR  
27 and other employees.

28 52. Adding to the extreme distress that HORNOR and other employees were experiencing,

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1 WEY assigned his girlfriend, Dana Rosewall, to conduct frequent “aura readings” of HORNOR  
2 and other employees.

3 53. Dana would indicate “the color of aura” she saw around each employee and use that to  
4 determine the employee’s commitment to WEY, his teachings, and/or the company culture. WEY  
5 then used these aura readings to make crucial decisions regarding employees, causing anxiety and  
6 distrust in WEY’s management decisions.

7 54. Additionally, in mid-2021, WEY gave Dana and Devin Rosewall complete autonomy to  
8 review REFLEX’s Marketing Team’s Creative Department, despite their lack of qualifications for  
9 such a task. Dana conducted “aura readings” and both sisters performed intrusive, unprofessional  
10 interviews on whomever they chose.

11 55. During their “review,” the sisters recommended firing a competent director, James Russell,  
12 who they never even interviewed. Based solely on that unqualified recommendation, WEY  
13 decided to fire the director. He only withdrew his decision after several other employees  
14 intervened. This incident caused further apprehension and deeper doubts about WEY’s  
15 management.

16 56. Throughout the entirety of these events, REFLEX still lacked an HR Department.  
17 HORNOR and other employees had to choose between WEY’s religious reign and their jobs.

18 57. REFLEX finally hired Heather Pressley as the Director of Human Resources in late 2021.

19 58. Heather Pressley was dismissed within approximately two months of being hired for  
20 attempting to address the numerous and ongoing complaints against WEY. After her termination,  
21 WEY continued his religious instruction without interference.

22 59. As a part of his ongoing religious instruction, WEY and/or his associates also frequently  
23 distributed and pressured employees to take illegal drugs including, but not limited to, MDMA,  
24 psilocybin, DMT, and amphetamines. WEY also frequently spoke with and pressured both  
25 HORNOR and fellow employee Ulysses Diaz to change their titles in the company to “Guide,” in  
26 line with the religious beliefs and practices WEY was attempting to push onto employees.

27 60. WEY, WEY’s then-girlfriend Dana Rosewall, and Dana Rosewall’s sister Devin Rosewall  
28 distributed those drugs to employees.



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1 61. WEY assessed each employee's willingness to take the drugs. Employees who were most  
2 willing to take those drugs were considered loyal to WEY and REFLEX and received preferential  
3 treatment, including being invited to special events held by WEY to consume more drugs.

4 62. For example, during the 2021 Electric Daisy Carnival in Las Vegas, Nevada, WEY invited  
5 and pressured HORNOR and a group of employees and friends to take MDMA with him.  
6 Knowing WEY was judging him based on his participation, HORNOR acquiesced. As a result,  
7 HORNOR and other attendees suffered emotional disturbances and experienced extreme physical  
8 symptoms of intoxication and withdrawal.

9 63. In another instance in 2021, Devin Rosewall distributed a potent unidentified amphetamine  
10 to HORNOR and other employees during work hours. HORNOR refused the drug, but several  
11 employees consumed it, one of whom had an extremely adverse reaction.

12 64. Concerned for the safety of himself and his colleagues, HORNOR complained to his  
13 supervisor (Ruben Buell) and Mr. Smith of Devin Rosewall's actions.

14 65. **WEY reprimanded HORNOR for not covering up the situation and demanded**  
15 **HORNOR apologize to Devin Rosewall.**

16 66. When HORNOR refused, WEY began questioning HORNOR's executive decision-making  
17 abilities in retaliation.

18 67. In December 2021, HORNOR pleaded with Mr. Smith to speak with WEY about the  
19 ongoing complaints. Mr. Smith indicated agreement with the need for change.

20 68. Nothing came from this conversation, as WEY continued his religious teachings. This  
21 caused extreme distress, and many employees had to take time off for their mental health. Other  
22 employees quit due to the extreme stress being created by WEY.

23 69. These effects did not go unnoticed. On or about January 27, 2022, WEY held a recorded  
24 religious ceremony outlining WEY's ideas of love. During the ceremony, WEY led a meditation,  
25 telling his employees and guests from outside the company to "focus on how the **universe**  
26 understands you. **It knows** what you've been through in your life, **it knows** the challenges you've  
27 been facing, it knows the pain you have suffered, it knows because you are a part of it. **It knows**  
28 all your experiences." Later, WEY stated that "you **pray** for someone. Or in the case of meditation



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1 practices, we meditate, and **we perform healings of people**. And all we do is, we just close our  
 2 eyes, we connect with that person by looking at their photo, we don't even need to know why  
 3 they're sick or why they're ill. We simply just calm our minds, focus on our hearts, and feel pure  
 4 love", and "when you look at light, high energy light is gamma rays. What happens when you have  
 5 high energy light is you have a very high frequency. What happens to the body when Gamma rays  
 6 hit you? You get cancer. But you know what? **The only reason you get cancer is because your**  
 7 **body isn't yet in the state of love, because when you are in the state of love, trust me, you'll**  
 8 **be able to handle all those gamma rays.** Um, and that's the problem with cancer today right, like  
 9 we are all harboring all these negativities. And so we are not able to absorb the positive frequency  
 10 from the universe. That's high vibration, that's positivity, um so the more you practice this then  
 11 every cell in your body begins to open up to receive this new type of love." The following day, a  
 12 senior executive shared concerns with HORNOR and other staff of their fear of office violence due  
 13 to WEY's ceremony.

14 70. Amidst the chaos, WEY also fostered distrust between individual employees. Throughout  
 15 HORNOR's employment at REFLEX, WEY had a pattern of making false and defamatory  
 16 statements and rumors regarding company executives to other executives and non-executive  
 17 employees absent their presence.

18 71. Based on information and belief, WEY made several such disclosures regarding HORNOR  
 19 to other employees to undermine HORNOR's position in REFLEX.

20 72. HORNOR learned of one such instance from Shawn Green. WEY told Green that  
 21 HORNOR made threats against him and implied that the threats were physical in nature.

22 73. On several occasions, WEY started rumors about employees and blamed HORNOR and  
 23 others for creating and spreading those rumors.

24 74. Throughout 2021, on multiple occasions, HORNOR asked WEY about his pending  
 25 promotion to CPO. WEY made excuses regarding the paperwork and instead challenged  
 26 HORNOR's commitment to WEY's religious views.

27 75. Throughout 2021, WEY used the pending promotion to coerce HORNOR to adhere to  
 28 WEY's religion.

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1 76. In or about December of 2021, almost nine months after WEY originally told HORNOR  
2 about his promotion to CPO, HORNOR received the paperwork for the position. Even then, WEY  
3 continued to use the position to coerce HORNOR into following WEY's religion.

4 77. On or about January 29, 2022, WEY sent HORNOR a series of texts, pressuring HORNOR  
5 to take DMT with WEY as his "guide."

6 78. On or about January 30, 2022, WEY sent HORNOR a disturbing email, in which he told  
7 HORNOR he did not trust him, that HORNOR needed to follow WEY's teachings, and that  
8 HORNOR was not ready for the CPO role.

9 79. WEY insisted that HORNOR needed to dig into his psyche and resolve deep personal  
10 issues by following WEY's teachings in order to be prepared for the CPO role.

11 80. On or about January 31, 2022, HORNOR requested medical leave from REFLEX to take  
12 care of his mental and physical health. HORNOR was overwhelmed with anxiety and began  
13 suffering various stress-induced psychological and physical symptoms and ailments.

14 81. These ailments included an intense flare-up of HORNOR's ulcerative colitis, for which he  
15 is still receiving treatment. Sparing the intimate details, HORNOR's flare up rose to life-  
16 threatening levels.

17 82. On or about February 1, 2022, HORNOR met with his therapist, who indicated  
18 HORNOR's declining mental and physical health was directly related to WEY's conduct and  
19 REFLEX's work environment.

20 83. The totality of the hostile and stressful work environment WEY created by imposing his  
21 religious beliefs created an environment where it was impossible for HORNOR to perform his job  
22 in an effective and efficient way as a direct result of the physical, mental, and emotional decline  
23 that HORNOR experienced.

24 84. Further, the arbitrary expectations, rooted in WEY's religious beliefs, made it difficult for  
25 HORNOR to exist outside of constant survival mode while employed by REFLEX.

26 85. On February 2, 2022, HORNOR inquired with then-VP of Finance, Teresa Lemon, about  
27 taking FMLA leave to treat his declining health away from the hostile environment WEY created.

28 86. Lemon directed HORNOR to Latasha Davis. On February 3, 2022, HORNOR spoke with

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Latasha Davis about taking FMLA leave. During this conversation, Davis confirmed that HORNOR had access to both FMLA and short-term disability benefits.

87. On February 4, 2022, Davis asked HORNOR how much FMLA time he needed to take. HORNOR informed her that he would need two to three weeks, but that he would have a better idea once he spoke to his healthcare provider.

88. On February 5, 2022, Davis sent HORNOR an email asking for more information regarding his FMLA leave. HORNOR did not see this email until after hours, and intended to respond to her during work hours the following day. Unfortunately, HORNOR did not get the chance to do so before he was terminated.

89. In an around the week of February 1 – February 5, WEY scheduled a meeting with HORNOR to discuss the reasons that HORNOR was working with Human Resources to establish leave. WEY was aware that HORNOR was speaking with Human Resources. WEY cancelled this meeting leading up to February 8, 2022.

90. On or about February 8, 2022, HORNOR emailed REFLEX a letter, which included a list of accommodations required for HORNOR to return to work. These accommodations included, but were not limited to, stopping religious ceremonies at the company, stopping pressure to take drugs, and stopping pressure to share about personal matters such as relationships and trauma.

91. **Minutes** after sending this letter, HORNOR was terminated from REFLEX. HORNOR was cut off from REFLEX's company email, internal communication systems, and other mission critical systems. Later that morning, HORNOR's supervisor called him to discuss parting ways.

92. HORNOR's termination also came mere days after sharing concerns about his mental health and speaking about taking FMLA leave with Davis.

93. On or about February 9, 2022, HORNOR received his final paycheck from REFLEX.

### **FIRST CLAIM FOR RELIEF**

#### **Religious Discrimination in Violation of Title VII of the 1964 Civil Rights Act,**

#### **42 U.S.C. § 2000e *et seq.* ("Title VII")**

#### ***HORNOR Against Defendants REFLEX and ROE CORPs***

94. Plaintiff incorporates and realleges Paragraphs 1 through 93 of this Complaint as though

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1 fully set forth herein.

2 95. HORNOR was subjected to religious discrimination, specifically reverse religious  
3 discrimination, when HORNOR was treated unfairly for not sharing the religious beliefs of those  
4 in charge at REFLEX, namely WEY.

5 96. As an agnostic, HORNOR is a member of a class of persons protected by Title VII, which  
6 prohibits discrimination based on religion.

7 97. During all relevant times, HORNOR performed according to REFLEX's legitimate  
8 expectations, evidenced by his positive feedback from peers and recent promotion to CPO.

9 98. HORNOR openly resisted participation in and spoke out against WEY's religion and his  
10 attempt to impose it on REFLEX employees directly to WEY, Ruben Buell, Mark Smith, and other  
11 key executives..

12 99. HORNOR suffered multiple adverse employment reactions due to his failure to comply  
13 with WEY's religion.

14 100. HORNOR was subjected to an adverse employment action when WEY refused to  
15 officialize HORNOR's promotion to CPO for almost 9 months.

16 101. Whenever HORNOR brought up the topic of his promotion, WEY redirected the  
17 conversation and would question HORNOR's loyalty and why he was not "all in" on WEY's  
18 religion.

19 102. HORNOR later sent REFLEX and its agents a letter requesting religious accommodations,  
20 which included requests to stop pressuring employees to abide by WEY's religion.

21 103. HORNOR was terminated within minutes of sending his requests for religious  
22 accommodations.

23 104. The conduct as set forth above constitutes violations of Title VII. Defendants, through their  
24 agents and employees, subjected HORNOR to unlawful harassment as prohibited by Title VII.

25 105. At all times relevant to HORNOR's allegations herein, WEY was acting within the course  
26 and scope of his employment as CEO of REFLEX.

27 106. REFLEX is therefore liable for WEY's discriminatory acts and omissions.

28 107. As a direct and proximate result of Defendants' conduct, HORNOR has suffered, and

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1 continues to suffer, irreparable injury and monetary damages in the form of past, present, and  
2 future lost earnings and other benefits; great emotional distress, bodily harm, pain and suffering;  
3 and other related damages, some or all of which may be permanent and/or disabling in nature.

4 108. Defendants' conduct was willful, intentional, oppressive, malicious, and done with wanton  
5 and reckless disregard for HORNOR's rights, thereby warranting the imposition of punitive  
6 damages to be determined at trial.

7 109. As a result of Defendants' conduct, HORNOR has been required to retain the services of an  
8 attorney and, as a direct and foreseeable result, has been damaged and is entitled to reasonable  
9 attorney's fees and costs.

## 10 **SECOND CLAIM FOR RELIEF**

### 11 **Religious Discrimination in Violation of NRS 613.330**

#### 12 *HORNOR Against Defendants REFLEX and ROE CORPs*

13 110. Plaintiff incorporates and realleges Paragraphs 1 through 109 of this Complaint as though  
14 fully set forth herein.

15 111. HORNOR was subjected to religious discrimination, specifically reverse religious  
16 discrimination, when HORNOR was treated unfairly for not sharing the religious beliefs of those  
17 in charge at REFLEX, namely WEY.

18 112. As an agnostic, HORNOR is a member of a class of persons protected by NRS 613.330,  
19 which prohibits discrimination based on religion.

20 113. During all relevant times, HORNOR performed according to REFLEX's legitimate  
21 expectations, evidenced by his positive feedback from peers and recent promotion to CPO.

22 114. HORNOR openly resisted participation in and spoke out against WEY's religion and his  
23 attempt to impose it on REFLEX employees directly to WEY, Ruben Buell, Mark Smith, and other  
24 key executives.

25 115. HORNOR suffered multiple adverse employment actions due to his failure to comply with  
26 WEY's religion.

27 116. HORNOR was subjected to an adverse employment action when WEY refused to  
28 officialize HORNOR's promotion to CPO for almost 9 months.

117. Whenever HORNOR brought up the topic of his promotion, WEY redirected the conversation and would question HORNOR's loyalty and why he was not "all in" on WEY's religion.

118. HORNOR later sent REFLEX and its agents a letter requesting religious accommodations, which included requests to stop pressuring employees to abide by WEY's religion.

119. HORNOR was terminated within minutes of sending his requests for religious accommodations.

120. The conduct as set forth above constitutes violations of NRS 613.330. Defendants, through their agents and employees, subjected HORNOR to unlawful harassment as prohibited by NRS 613.330.

121. At all times relevant to HORNOR's allegations herein, WEY was acting within the course and scope of his employment as CEO of REFLEX.

122. REFLEX is therefore liable for WEY's discriminatory acts and omissions.

123. As a direct and proximate result of Defendants' conduct, HORNOR has suffered, and continues to suffer, irreparable injury and monetary damages in the form of past, present, and future lost earnings and other benefits; great emotional distress, bodily harm, pain and suffering; and other related damages, some or all of which may be permanent and/or disabling in nature.

124. Defendants' conduct was willful, intentional, oppressive, malicious, and done with wanton and reckless disregard for HORNOR's rights, thereby warranting the imposition of punitive damages to be determined at trial.

125. As a result of Defendants' conduct, HORNOR has been required to retain the services of an attorney and, as a direct and foreseeable result, has been damaged and is entitled to reasonable attorney's fees and costs.

### **THIRD CLAIM FOR RELIEF**

#### **Retaliation in Violation of Title VII of the 1964 Civil Rights Act,**

#### **42 U.S.C. § 2000e *et seq.* ("Title VII")**

#### ***HORNOR Against Defendants REFLEX and ROE CORPs***

126. Plaintiff incorporates and realleges Paragraphs 1 through 125 of this Complaint as though

1 fully set forth herein.

2 127. HORNOR engaged in protected activity on numerous occasions throughout his  
3 employment with REFLEX when he complained to his supervisor about and explicitly opposed  
4 WEY's discriminatory conduct.

5 128. During most of these instances, REFLEX did not have a proper HR department. HORNOR  
6 could only bring these complaints to his direct supervisor or REFLEX's in-house counsel.

7 129. These complaints were frequently relayed made to WEY, who would then reprimand  
8 HORNOR, question his loyalty, and withheld a promotion for months. This conduct constitutes  
9 adverse employment actions against HORNOR.

10 130. HORNOR engaged in a protected activity by utilizing REFLEX's appropriate internal  
11 procedures for reporting discriminatory conduct when he submitted his final correspondence letter  
12 to REFLEX on February 8, 2022.

13 131. HORNOR's final correspondence letter to REFLEX detailed conduct that constitutes an  
14 unlawful employment practice under Title VII, and expressly stated HORNOR's opposition to that  
15 conduct.

16 132. HORNOR was subsequently terminated from REFLEX.

17 133. There is a clear link between HORNOR's protected conduct and the adverse employment  
18 action he experienced, as HORNOR's termination occurred mere minutes after HORNOR sent his  
19 letter to REFLEX stating his opposition to WEY's conduct.

20 134. The conduct as set forth above constitutes violations of Title VII. Defendants, through their  
21 agents and employees, unlawfully retaliated against HORNOR because he refused to practice and  
22 reported WEY's conduct, as prohibited by Title VII.

23 135. At all times relevant to HORNOR's allegations herein, WEY was acting within the course  
24 and scope of his employment as CEO of REFLEX.

25 136. REFLEX is therefore liable for WEY's discriminatory acts and omissions.

26 137. As a direct and proximate result of Defendants' conduct, HORNOR has suffered, and  
27 continues to suffer, irreparable injury and monetary damages in the form of past, present, and  
28 future lost earnings and other benefits; great emotional distress, bodily harm, pain and suffering;



and other related damages, some or all of which may be permanent and/or disabling in nature.

138. Defendants' conduct was willful, intentional, oppressive, malicious, and done with wanton and reckless disregard for HORNOR's rights, thereby warranting the imposition of punitive damages to be determined at trial.

139. As a result of Defendants' conduct, HORNOR has been required to retain the services of an attorney and, as a direct and foreseeable result, has been damaged and is entitled to reasonable attorney's fees and costs.

#### **FOURTH CLAIM FOR RELIEF**

##### **Retaliation in Violation of NRS 613.330**

##### *HORNOR Against Defendants REFLEX and ROE CORPS*

140. Plaintiff incorporates and realleges Paragraphs 1 through 139 of this Complaint as though fully set forth herein.

141. HORNOR engaged in protected activity on numerous occasions throughout his employment with REFLEX when he complained to his supervisor about and explicitly opposed WEY's discriminatory conduct.

142. During most of these instances, REFLEX did not have a proper HR department. HORNOR could only bring these complaints to his direct supervisor or REFLEX's in-house counsel.

143. These complaints were frequently relayed made to WEY, who would then reprimand HORNOR, question his loyalty, and withheld a promotion for months. This conduct constitutes adverse employment actions against HORNOR.

144. HORNOR also engaged in a protected activity by utilizing REFLEX's appropriate internal procedures for reporting discriminatory conduct when he submitted his final correspondence letter to REFLEX on February 8, 2022.

145. HORNOR's final correspondence letter to REFLEX detailed conduct that constitutes an unlawful employment practice under NRS 613.340, and expressly stated HORNOR's opposition to that conduct.

146. HORNOR was subsequently terminated from REFLEX.

147. There is a clear link between HORNOR's protected conduct and the adverse employment

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1 action he experienced, as HORNOR's termination occurred mere minutes after HORNOR sent his  
 2 letter to REFLEX stating his opposition to WEY's conduct.

3 148. The conduct as set forth above constitutes violations of NRS 613.340. Defendants, through  
 4 their agents and employees, unlawfully retaliated against HORNOR because he refused to practice  
 5 and reported WEY's conduct, as prohibited by NRS 613.340.

6 149. At all times relevant to HORNOR's allegations herein, WEY was acting within the course  
 7 and scope of his employment as CEO of REFLEX.

8 150. REFLEX is therefore liable for WEY's discriminatory acts and omissions.

9 151. As a direct and proximate result of Defendants' conduct, HORNOR has suffered, and  
 10 continues to suffer, irreparable injury and monetary damages in the form of past, present, and  
 11 future lost earnings and other benefits; great emotional distress, bodily harm, pain and suffering;  
 12 and other related damages, some or all of which may be permanent and/or disabling in nature.

13 152. Defendants' conduct was willful, intentional, oppressive, malicious, and done with wanton  
 14 and reckless disregard for HORNOR's rights, thereby warranting the imposition of punitive  
 15 damages to be determined at trial.

16 153. As a result of Defendants' conduct, HORNOR has been required to retain the services of an  
 17 attorney and, as a direct and foreseeable result, has been damaged and is entitled to reasonable  
 18 attorney's fees and costs.

### 19 **FIFTH CLAIM FOR RELIEF**

#### 20 **Failure to Accommodate in Violation of Title VII of the 1964 Civil Rights Act,**

#### 21 **42 U.S.C. § 2000e *et seq.* ("Title VII")**

#### 22 ***HORNOR Against Defendants REFLEX and ROE CORPS***

23 154. Plaintiff incorporates and realleges Paragraphs 1 through 153 of this Complaint as though  
 24 fully set forth herein.

25 155. At all relevant times, HORNOR was an agnostic, which constitutes a bona fide religious  
 26 belief.

27 156. This belief conflicted with HORNOR's duties because WEY required and expected that all  
 28 REFLEX employees to engage in WEY's own belief system.

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1 157. Employees who failed to do so were questioned, considered disloyal, were at a  
2 disadvantage compared to those REFLEX employees who did, and faced a legitimate threat of  
3 losing their jobs.

4 158. The constant pressure and harassment to engage in WEY's religion caused HORNOR to  
5 suffer physical issues, such as severe anxiety and a flare-up of his ulcerative colitis.

6 159. WEY's constant scrutiny, coupled with the physical and mental effects that HORNOR  
7 experienced, necessarily interfered with HORNOR's ability to perform daily tasks, much less his  
8 time and focus-intensive job duties.

9 160. Defendants were on notice of HORNOR's opposition to WEY's religious practices and his  
10 requests to be excluded from them. HORNOR made complaints and requested accommodations  
11 throughout his employment about the religious requirements of his job imposed by WEY.

12 161. In response, WEY repeatedly harassed HORNOR to conform with WEY's religious beliefs  
13 and practices as a condition of his continued employment.

14 162. No good faith efforts were made to accommodate HORNOR. Instead, HORNOR was  
15 reprimanded for complaining.

16 163. On or about February 8, 2022, HORNOR sent REFLEX a list of accommodations  
17 pertaining to the religious practices imposed at REFLEX.

18 164. That same day, within mere minutes of sending the list, HORNOR was terminated from  
19 REFLEX.

20 165. Defendants would have suffered no undue hardship by accommodating HORNOR's  
21 requests that he be excluded from WEY's religious practices.

22 166. There is a clear link between HORNOR's request for accommodations and the adverse  
23 employment action he experienced, as HORNOR's termination occurred minutes after HORNOR  
24 sent his letter to REFLEX stating his opposition to WEY's conduct and requesting  
25 accommodations.

26 167. The conduct as set forth above constitutes violations of Title VII. Defendants, through their  
27 agents and employees, unlawfully retaliated against HORNOR because he refused to practice and  
28 reported WEY's conduct, as prohibited by Title VII.

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168. At all times relevant to HORNOR's allegations herein, WEY was acting within the course and scope of his employment as CEO of REFLEX.

169. REFLEX is therefore liable for WEY's discriminatory acts and omissions.

170. As a direct and proximate result of Defendants' conduct, HORNOR has suffered, and continues to suffer, irreparable injury and monetary damages in the form of past, present, and future lost earnings and other benefits; great emotional distress, bodily harm, pain and suffering; and other related damages, some or all of which may be permanent and/or disabling in nature.

171. Defendants' conduct was willful, intentional, oppressive, malicious, and done with wanton and reckless disregard for HORNOR's rights, thereby warranting the imposition of punitive damages to be determined at trial.

172. As a result of Defendants' conduct, HORNOR has been required to retain the services of an attorney and, as a direct and foreseeable result, has been damaged and is entitled to reasonable attorney's fees and costs.

### **SIXTH CLAIM FOR RELIEF**

#### **Failure to Accommodate in Violation of NRS 613.330**

#### *HORNOR Against Defendants REFLEX and ROE CORPS*

173. Plaintiff incorporates and realleges Paragraphs 1 through 172 of this Complaint as though fully set forth herein.

174. At all relevant times, HORNOR was an agnostic, which constitutes a bona fide religious belief.

175. This belief conflicted with HORNOR's duties because WEY required and expected that all REFLEX employees engage in WEY's own belief system.

176. Employees who failed to do so were questioned, considered disloyal, were at a disadvantage compared to those REFLEX employees who did, and faced a legitimate threat of losing their jobs.

177. The constant pressure and harassment to engage in WEY's religion caused HORNOR to suffer physical issues, such as severe anxiety and a flare-up of his ulcerative colitis.

178. WEY's constant scrutiny, coupled with the physical and mental effects that HORNOR

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1 experienced, necessarily interfered with HORNOR's ability to perform daily tasks, much less his  
2 time and focus-intensive job duties.

3 179. Defendants were on notice of HORNOR's opposition to WEY's religious practices and his  
4 requests to be excluded from them. HORNOR made complaints and requested accommodations  
5 throughout his employment about the religious requirements of his job imposed by WEY.

6 180. In response, WEY repeatedly harassed HORNOR to conform with WEY's religious beliefs  
7 and practices as a condition of his continued employment.

8 181. No good faith efforts were made to accommodate HORNOR. Instead, HORNOR was  
9 reprimanded for complaining.

10 182. On or about February 8, 2022, HORNOR sent REFLEX a list of accommodations  
11 pertaining to the religious practices imposed at REFLEX.

12 183. That same day, within mere minutes of sending the list, HORNOR was terminated from  
13 REFLEX.

14 184. Defendants would have suffered no undue hardship by accommodating HORNOR's  
15 requests that he be excluded from WEY's religious practices.

16 185. There is a clear link between HORNOR's request for accommodations and the adverse  
17 employment action he experienced, as HORNOR's termination occurred minutes after HORNOR  
18 sent his letter to REFLEX stating his opposition to WEY's conduct and requesting  
19 accommodations.

20 186. The conduct as set forth above constitutes violations of NRS 613.330. Defendants, through  
21 their agents and employees, unlawfully retaliated against HORNOR because he refused to practice  
22 and reported WEY's conduct, as prohibited by NRS 613.330.

23 187. At all times relevant to HORNOR's allegations herein, WEY was acting within the course  
24 and scope of his employment as CEO of REFLEX.

25 188. REFLEX is therefore liable for WEY's discriminatory acts and omissions.

26 189. As a direct and proximate result of Defendants' conduct, HORNOR has suffered, and  
27 continues to suffer, irreparable injury and monetary damages in the form of past, present, and  
28 future lost earnings and other benefits; great emotional distress, bodily harm, pain and suffering;

1 and other related damages, some or all of which may be permanent and/or disabling in nature.

2 190. Defendants' conduct was willful, intentional, oppressive, malicious, and done with wanton  
3 and reckless disregard for HORNOR's rights, thereby warranting the imposition of punitive  
4 damages to be determined at trial.

5 191. As a result of Defendants' conduct, HORNOR has been required to retain the services of an  
6 attorney and, as a direct and foreseeable result, has been damaged and is entitled to reasonable  
7 attorney's fees and costs.

### 8 **SEVENTH CLAIM FOR RELIEF**

#### 9 **Hostile Work Environment in Violation of Title VII of the 1964 Civil Rights Act,**

#### 10 **42 U.S.C. § 2000e *et seq.* ("Title VII")**

#### 11 *HORNOR Against Defendants REFLEX and ROE CORPS*

12 192. Plaintiff incorporates and realleges Paragraphs 1 through 191 of this Complaint as though  
13 fully set forth herein.

14 193. As an agnostic, HORNOR is a member of a class of persons protected by Title VII, which  
15 prohibits discriminatory conduct so severe and pervasive as to create a hostile work environment.

16 194. HORNOR was constantly subjected to unwelcome verbal and physical conduct based on  
17 his religious beliefs.

18 195. Specifically, as alleged herein, WEY coerced HORNOR into adhering to WEY's religion.  
19 This included engaging in physical and emotionally distressing conduct such as illegal drug use  
20 and sexually explicit discussions during religious workshops that HORNOR was required to  
21 attend. HORNOR was forced to routinely share extremely personal traumas and witness coworkers  
22 in great emotional distress upon being forced to do the same. WEY also privately questioned  
23 HORNOR's commitment to WEY's views and used HORNOR's pending promotion to CPO to  
24 coerce him into adhering to his religion throughout 2021.

25 196. Additionally, WEY gave preferential treatment to those who aligned with his religious  
26 views and publicly questioned and reprimanded those who he felt did not. WEY used "aura  
27 readings" and one's willingness to take drugs to make employment decisions, causing great  
28 anxiety among employees at REFLEX. Further, REFLEX lacked a functioning HR department,

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1 and so HORNOR and other employees lacked recourse to deal with WEY's harassment and were  
2 instead reprimanded by WEY for complaining.

3 197. These regular occurrences were humiliating and deeply triggering to HORNOR, who has  
4 his own history of personal trauma.

5 198. The discriminatory conduct was sufficiently severe and pervasive to alter the conditions of  
6 HORNOR's employment and create an abusive work environment in violation of Title VII.

7 199. The terms and conditions of HORNOR's employment were altered and religious hostility  
8 permeated REFLEX's workplace environment, further shown by HORNOR's immediate  
9 termination for complaining about WEY's religious practices.

10 200. The harassment HORNOR suffered was a direct result of his failure to conform to WEY's  
11 religious practices. Employees who conformed were not harassed and received preferential  
12 treatment from WEY.

13 201. HORNOR subjectively perceived the working environment to be hostile and abusive, as  
14 shown by the facts above and the decline in his mental and physical health, for which he sought  
15 treatment.

16 202. Additionally, a reasonable person would consider HORNOR's work environment to be  
17 objectively hostile and/or abusive.

18 203. Defendants, knew, or should have known, of the religiously abusive and hostile work  
19 environment caused by WEY but took no action to stop or prevent any of the unwanted and  
20 inappropriate conduct despite having notice of WEY's behavior and complaints against WEY.

21 204. The conduct as set forth above constitutes violations of Title VII. Defendants, through their  
22 agents and employees, unlawfully subjected HORNOR to a hostile work environment because he  
23 refused to practice WEY's religion and reported WEY's conduct, as prohibited by Title VII.

24 205. At all times relevant to HORNOR's allegations herein, WEY was acting within the course  
25 and scope of his employment as CEO of REFLEX.

26 206. REFLEX is therefore liable for WEY's discriminatory acts and omissions.

27 207. As a direct and proximate result of Defendants' conduct, HORNOR has suffered, and  
28 continues to suffer, irreparable injury and monetary damages in the form of past, present, and



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1 future lost earnings and other benefits; great emotional distress, bodily harm, pain and suffering;  
2 and other related damages, some or all of which may be permanent and/or disabling in nature.

3 208. Defendants' conduct was willful, intentional, oppressive, malicious, and done with wanton  
4 and reckless disregard for HORNOR's rights, thereby warranting the imposition of punitive  
5 damages to be determined at trial.

6 209. As a result of Defendants' conduct, HORNOR has been required to retain the services of an  
7 attorney and, as a direct and foreseeable result, has been damaged and is entitled to reasonable  
8 attorney's fees and costs.

### 9 **EIGHTH CLAIM FOR RELIEF**

#### 10 **Hostile Work Environment in Violation of NRS 613.330**

#### 11 *HORNOR Against Defendants REFLEX and ROE CORPs*

12 210. Plaintiff incorporates and realleges Paragraphs 1 through 209 of this Complaint as though  
13 fully set forth herein.

14 211. As an agnostic, HORNOR is a member of a class of persons protected by NRS 613.330,  
15 which prohibits discriminatory conduct so severe and pervasive as to create a hostile work  
16 environment.

17 212. HORNOR was constantly subjected to unwelcome verbal and physical conduct based on  
18 his religious beliefs.

19 213. Specifically, as alleged herein, WEY coerced HORNOR into adhering to WEY's religion.  
20 This included engaging in physical and emotionally distressing conduct such as illegal drug use  
21 and sexually explicit discussions during religious workshops that HORNOR was required to  
22 attend. HORNOR was forced to routinely share extremely personal traumas and witness coworkers  
23 in great emotional distress upon being forced to do the same. WEY also privately questioned  
24 HORNOR's commitment to WEY's views and used HORNOR's pending promotion to CPO to  
25 coerce him into adhering to his religion throughout 2021.

26 214. Additionally, WEY gave preferential treatment to those who aligned with his religious  
27 views and publicly questioned and reprimanded those who he felt did not. WEY used "aura  
28 readings" and one's willingness to take drugs to make employment decisions, causing great

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1 anxiety among employees at REFLEX. Further, REFLEX lacked a functioning HR department,  
2 and so HORNOR and other employees lacked recourse to deal with WEY's harassment and were  
3 instead reprimanded by WEY for complaining.

4 215. These regular occurrences were humiliating and deeply triggering to HORNOR, who has  
5 his own history of personal trauma.

6 216. The discriminatory conduct was sufficiently severe and pervasive to alter the conditions of  
7 HORNOR's employment and create an abusive work environment in violation of Title VII.

8 217. The terms and conditions of HORNOR's employment were altered and religious hostility  
9 permeated REFLEX's workplace environment, further shown by HORNOR's immediate  
10 termination for complaining about WEY's religious practices.

11 218. The harassment HORNOR suffered was a direct result of his failure to conform to WEY's  
12 religious practices, as employees who did conform were not harassed and received preferential  
13 treatment from WEY.

14 219. HORNOR subjectively perceived the working environment to be hostile and/or abusive, as  
15 shown by the facts set forth above and the decline in his mental and physical health, for which he  
16 sought treatment.

17 220. Additionally, a reasonable person would consider HORNOR's work environment to be  
18 objectively hostile and/or abusive.

19 221. Defendants, knew, or should have known, of the religiously abusive and hostile work  
20 environment caused by WEY but took no action to stop or prevent any of the unwanted and  
21 inappropriate conduct despite having notice of WEY's behavior and complaints against WEY.

22 222. The conduct as set forth above constitutes violations of NRS 613.330. Defendants, through  
23 their agents and employees, unlawfully subjected HORNOR to a hostile work environment  
24 because he refused to practice WEY's religion and reported WEY's conduct, as prohibited by NRS  
25 613.330.

26 223. At all times relevant to HORNOR's allegations herein, WEY was acting within the course  
27 and scope of his employment as CEO of REFLEX.

28 224. REFLEX is therefore liable for WEY's discriminatory acts and omissions.

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225. As a direct and proximate result of Defendants' conduct, HORNOR has suffered, and continues to suffer, irreparable injury and monetary damages in the form of past, present, and future lost earnings and other benefits; great emotional distress, bodily harm, pain and suffering; and other related damages, some or all of which may be permanent and/or disabling in nature.

226. Defendants' conduct was willful, intentional, oppressive, malicious, and done with wanton and reckless disregard for HORNOR's rights, thereby warranting the imposition of punitive damages to be determined at trial.

227. As a result of Defendants' conduct, HORNOR has been required to retain the services of an attorney and, as a direct and foreseeable result, has been damaged and is entitled to reasonable attorney's fees and costs.

### **NINTH CLAIM FOR RELIEF**

#### **Tortious Discharge**

#### *HORNOR Against Defendants*

228. Plaintiff incorporates and realleges Paragraphs 1 through 227 of this Complaint as though fully set forth herein.

229. Nevada criminalizes the distribution and use of illicit drugs as a matter of public safety.

230. HORNOR refused to take illicitly distributed amphetamines from Devin Rosewall during work hours.

231. Rosewall dropped a bag of unidentified orange pills on HORNOR's desk during work hours, identified it as a particularly potent amphetamine, and insisted that he take it over HORNOR's objections. Rosewall told HORNOR that she had distributed it to several other employees and then left.

232. HORNOR threw the drugs in the trash and reported the incident to Ruben Buell. Buell and HORNOR agreed that HORNOR would reach out to Mark Smith.

233. Mark Smith agreed that HORNOR's concerns were valid, stated he would talk with WEY, and that Smith would ensure that Rosewall was addressed before returning to the REFLEX premises.

234. Instead, WEY demanded that HORNOR apologize to Rosewall for reporting the incident

1 and assure her that what she did was okay. HORNOR refused.

2 235. Immediately after this incident, WEY began calling HORNOR's executive decision-  
 3 making abilities into question in retaliation.

4 236. In his January 30, 2022 email to HORNOR preceding HORNOR's termination, WEY  
 5 again criticized HORNOR for raising an issue with Devin.

6 237. Additionally, in HORNOR's final letter to REFLEX, HORNOR contested REFLEX's  
 7 practices with regards to drug use and distribution during office hours. HORNOR was terminated  
 8 within minutes of sending this letter.

9 238. HORNOR's refusal to violate the law by using the illicit substances provided to him by  
 10 Devin Rosewall and for refusing to work under unreasonably dangerous conditions was a  
 11 substantial factor in his ultimate termination.

12 239. At all times relevant to HORNOR's allegations herein, WEY was acting within the course  
 13 and scope of his employment as CEO of REFLEX.

14 240. REFLEX is therefore liable for WEY's acts and omissions.

15 241. As a direct and proximate result of Defendants' conduct, HORNOR has suffered, and  
 16 continues to suffer, irreparable injury and monetary damages in the form of past, present, and  
 17 future lost earnings and other benefits; great emotional distress, bodily harm, pain and suffering;  
 18 and other related damages, some or all of which may be permanent and/or disabling in nature.

19 242. Defendants' conduct was willful, intentional, oppressive, malicious, and done with wanton  
 20 and reckless disregard for HORNOR's rights, thereby warranting the imposition of punitive  
 21 damages to be determined at trial.

22 243. As a result of Defendants' conduct, HORNOR has been required to retain the services of an  
 23 attorney and, as a direct and foreseeable result, has been damaged and is entitled to reasonable  
 24 attorney's fees and costs.

## 25 **TENTH CLAIM FOR RELIEF**

### 26 **Intentional Infliction of Emotional Distress**

#### 27 *HORNOR Against Defendants*

28 244. Plaintiff incorporates and realleges Paragraphs 1 through 243 of this Complaint as though

1 fully set forth herein.

2 245. Throughout HORNOR's employment with REFLEX, WEY engaged in extreme and  
3 outrageous conduct with reckless disregard for the emotional distress said conduct caused.

4 246. As alleged herein, WEY intentionally forced HORNOR, and other REFLEX employees, to  
5 endure numerous religious ceremonies involving sexual and inappropriate subjects, to routinely  
6 disclose personal traumatic information, to listen to others' traumatic experiences and witness their  
7 extreme emotional distress, and to consume drugs as conditions of his employment.

8 247. Specific instances of this conduct included, but were certainly not limited to: (1) pushing  
9 one employee (Mr. Cole), to the point of a mental breakdown in front of his coworkers and  
10 causing legitimate fear of retaliatory workplace violence; (2) requiring employees to listen to  
11 WEY's own sexual experiences in great detail; (3) requiring HORNOR and other employees to  
12 relive their own trauma by sharing it openly with other employees; and (4) requiring HORNOR to  
13 use drugs which had obvious potential to (and did) cause emotional distress and to trigger trauma  
14 in order to maintain his position within REFLEX *and* to move upward in the organization.

15 248. It was well-known that the consequences of failing to participate in these painful  
16 experiences threatened an employee's position within REFLEX. HORNOR and other employees  
17 constantly chose between being able to support their families or participating in traumatic  
18 experiences which often had serious emotional, physical, and mental consequences.

19 249. As a direct result of WEY's extreme and outrageous conduct, HORNOR suffered severe  
20 emotional disturbances and experienced extreme physical symptoms of intoxication and  
21 withdrawal as a result of being coerced into consuming drugs.

22 250. HORNOR was diagnosed with various stress-related disorders and required regular mental  
23 health treatment as a direct result of WEY's intentional actions.

24 251. Around the time of WEY's January 30, 2022 email, HORNOR began suffering various  
25 stress-induced psychological and physical symptoms and ailments aggravated by that stress.

26 252. Specifically, as WEY's conduct became more extreme and invasive, HORNOR  
27 experienced a severe ulcerative colitis flare-up. Up to that point, HORNOR's condition was well  
28 under control.

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253. HORNOR's flare up was so severe that he experienced significant internal bleeding and had to consider intense treatment options such as invasive procedures and chemotherapy. In short, WEY's near constant extreme and outrageous conduct had life or death consequences on HORNOR's health.

254. HORNOR also experienced severe mental distress as a direct result of both his physical symptoms and WEY's conduct.

255. HORNOR's symptoms were so severe that he began the process of requesting FMLA leave for his ailments.

256. WEY's conduct was extreme and outrageous and done with the intention of, or reckless disregard for, causing emotional distress to HORNOR.

257. At all times relevant to HORNOR's allegations herein, WEY was acting within the course and scope of his employment as CEO of REFLEX.

258. REFLEX is therefore liable for WEY's discriminatory acts and omissions.

259. As a direct and proximate result of Defendants' conduct, HORNOR has suffered, and continues to suffer, irreparable injury and monetary damages in the form of past, present, and future lost earnings and other benefits; great emotional distress, bodily harm, pain and suffering; and other related damages, some or all of which may be permanent and/or disabling in nature.

260. Defendants' conduct was willful, intentional, oppressive, malicious, and done with wanton and reckless disregard for HORNOR's rights, thereby warranting the imposition of punitive damages to be determined at trial.

261. As a result of Defendants' conduct, HORNOR has been required to retain the services of an attorney and, as a direct and foreseeable result, has been damaged and is entitled to reasonable attorney's fees and costs.

### **ELEVENTH CLAIM FOR RELIEF**

#### **Intrusion upon Seclusion – Invasion of Privacy**

##### *HORNOR Against Defendants*

262. Plaintiff incorporates and realleges Paragraphs 1 through 261 of this Complaint as though fully set forth herein.

1 263. HORNOR had a reasonable expectation to keep deeply personal matters private from his  
2 employer, and that being required to disclose such matters would not be a condition of his  
3 employment.

4 264. WEY intentionally intruded upon HORNOR's solitude and seclusion by constantly prying  
5 into HORNOR's personal matters as a condition of his employment.

6 265. Specifically, as alleged herein, WEY constantly pressured HORNOR in public settings  
7 within REFLEX to share deeply private and personal matters such as lifelong and childhood  
8 traumas, romantic relationships, sexual experiences, and personal challenges. WEY also held one-  
9 on-one meetings with HORNOR and sent HORNOR private emails and texts pressuring  
10 HORNOR to disclose highly personal information. WEY also pressured HORNOR to disclose the  
11 mental health treatment he was seeking, a highly personal matter.

12 266. Failure to share these things resulted in WEY openly questioning an employee's loyalty  
13 and being treated less favorably than those who did. WEY referred to this hesitancy as a failure to  
14 get on REFLEX's "culture train."

15 267. Specifically in regard to HORNOR, WEY constantly held his pending promotion over his  
16 head as a way to make him adhere to WEY's religious practices.

17 268. HORNOR and all employees were also required to discuss personal matters during  
18 ceremonies they were required to attend as a condition of employment. Based on information and  
19 belief, WEY typically recorded these ceremonies and distributed the recordings both inside  
20 REFLEX and outside the company, despite serious privacy concerns communicated by HORNOR  
21 and other recorded employees. HORNOR had a reasonable expectation that such recordings  
22 containing his private matters would not be shared with others, especially outside of REFLEX.

23 269. The information HORNOR shared was not readily available or perceivable, but WEY  
24 pressured HORNOR's private disclosures as a condition of his employment.

25 270. WEY's conduct was intentional and done with the motive of intruding into HORNOR's  
26 personal affairs and coercing HORNOR into his religion.

27 271. WEY's intrusion into his employees' deeply personal experiences and traumas would be  
28 highly offensive to any reasonable person.



272. At all times relevant to HORNOR's allegations herein, WEY was acting within the course and scope of his employment as CEO of REFLEX.

273. REFLEX is therefore liable for WEY's discriminatory acts and omissions.

274. As a direct and proximate result of Defendants' conduct, HORNOR has suffered, and continues to suffer, irreparable injury and monetary damages in the form of past, present, and future lost earnings and other benefits; great emotional distress, bodily harm, pain and suffering; and other related damages, some or all of which may be permanent and/or disabling in nature.

275. Defendants' conduct was willful, intentional, oppressive, malicious, and done with wanton and reckless disregard for HORNOR's rights, thereby warranting the imposition of punitive damages to be determined at trial.

276. As a result of Defendants' conduct, HORNOR has been required to retain the services of an attorney and, as a direct and foreseeable result, has been damaged and is entitled to reasonable attorney's fees and costs.

## **TWELFTH CLAIM FOR RELIEF**

### **FMLA Interference**

#### *HORNOR Against Defendants*

277. Plaintiff incorporates and realleges Paragraphs 1 through 276 of this Complaint as though fully set forth herein.

278. In late January or early February of 2022, Plaintiff notified Defendants that he intended to seek short term disability and exercise FMLA leave by and through REFLEX's agent, Latasha Davis.

279. Davis informed Plaintiff on Thursday, February 3, 2022, that Plaintiff had access to FMLS and short-term disability.

280. On Friday, February 4, 2022, Davis asked Plaintiff how much time he would need. Plaintiff told Davis he would likely need two or three weeks, but that he needed to speak with his healthcare provider first.

281. Davis asked Plaintiff for more information regarding his FMLA leave on or about February 7, 2022, via email. Plaintiff did not see this email until after business hours and intended to

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1 respond the next morning.

2 282. Plaintiff was unable to respond to Davis because he was terminated on February 8, 2022.

3 283. Plaintiff was actively communicating with REFLEX, by and through Latasha Davis,  
4 regarding his FMLA leave. The only reason that Plaintiff did not respond to Davis's request for  
5 more information was because Defendants terminated him before he had a chance to respond.

6 284. Plaintiff was actually suffering physical and mental health issues (exacerbation of  
7 ulcerative colitis, major depression) as a result of Defendants' mistreatment. Defendants were  
8 covered employers under the FMLA. Plaintiff was a covered employee. Plaintiff was entitled to  
9 take FMLA leave because his health issues were covered under the FMLA.

10 285. Within a short time of being notified by Plaintiff of his intention to seek FMLA leave and  
11 short-term disability protection, Defendants terminated Plaintiff. Plaintiff's intention and concrete  
12 actions toward taking FMLA leave constituted a negative factor in Defendants' decision to  
13 terminate him.

14 286. Defendants knew that Plaintiff was seeking FMLA leave to tend to physical and mental  
15 issues he was experiencing as a direct result of WEY's unlawful conduct and the hostile work  
16 environment that he had created. Having record of this precursor to Plaintiff's FMLA leave would  
17 have been detrimental to Defendants.

18 287. Defendants' conduct, as set forth above, constitutes interference with Plaintiff's exercise of  
19 his FMLA rights by, among other things, failing or refusing to properly allow Plaintiff to exercise  
20 his rights under the FMLA, subjecting Plaintiff to an adverse employment action, termination,  
21 because of his exercise of FMLA rights, and harassing and intimidating Plaintiff for making use of  
22 FMLA rights.

23 288. As a direct and proximate result of Defendants' conduct, Plaintiff is now suffering, and will  
24 continue to suffer, irreparable injury and monetary damages in the form of past, present, and future  
25 lost earnings and other employment benefits (including front pay and back pay) in an amount to be  
26 determined at trial.

27 289. Plaintiff is also entitled to liquidated damages as a result of Defendants' conduct.

28 290. Defendants' conduct was willful, intentional, oppressive, malicious, and done with a

wanton and reckless disregard for the rights of Plaintiff. Defendants knew and/or showed reckless disregard for whether their conduct violated the law.

291. As a result of Defendants' conduct, Plaintiff has been required to retain the services of an attorney and, as a direct and foreseeable result has been damaged thereby and is entitled to reasonable attorney's fees and costs.

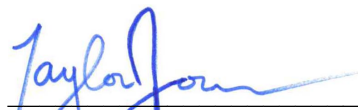
### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays for a judgment in favor of Plaintiff and against Defendants as follows:

1. For monetary damages for past, present, and future lost earnings;
2. For monetary damages for related past, present, and future medical treatment;
3. For monetary damages for past, present, and future pain and suffering; and other losses associated with such embarrassment, humiliation, and mental and emotional pain;
4. For punitive damages in an amount to be determined by this Court;
5. For pre-judgment interest, at the highest rate allowable by law;
6. For reasonable attorney fees and costs of suit; and
7. For any such further relief this Court deems appropriate.

DATED this 30th day of November 2022.

**LAGOMARSINO LAW**




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**JURY DEMAND**

PLEASE TAKE NOTICE that Plaintiff, by and through his undersigned attorneys, hereby demands a jury trial of all issues in the above-referenced matter.

DATED this 30th day of November 2022.

**LAGOMARSINO LAW**



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**CERTIFICATE OF SERVICE**

Pursuant to FRCP 5(b), I hereby certify that on this 30<sup>th</sup> day of November, 2022, I served a true and correct copy of the foregoing **PLAINTIFF'S FIRST AMENDED COMPLAINT AND JURY DEMAND** on all parties to this action, electronically and via U.S. mail, to the following:

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Jacob L. Fannesbeck, Esq. (#11961)  
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